IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 17881 of 2007(D)

PETITIONER:

K.V.KRISHNANKUTTY, AGED 42 YEARS,
S/O VELAYUDHAN, INDU BHAVAN, NEDUGOLAM P.O.,
PARAVOOR VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY ITS SECRETARY(HOME), GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SUB INSPECTOR OF POLICE, PARAVOOR POLICE STATION, KOLLAM DISTRICT.

3. THE CIRCLE INSPECTOF OF POLICE, PARAVOOR POLICE STATION, KOLLAM DISTRICT.

4. THE DEPUTY SUPERINTENDENT OF POLICE, KOLLAM.

5. THE DISTRICT SUPERINTENDENT OF POLICE, KOLLAM.

6. THE DISTRICT COLLECTOR, KOLLAM.

7. THE ASST. EXCISE COMMISSIONER, KOLLAM.

8. SUJAY, S/O KARUNAKARAN, SUJAY BHAVAN, CHIRAKKARATHAZHAM, KOLLAM DISTRICT.

9. BINI, CHARUVILA VEETTIL, CHIRAKKARA, KOLLAM DISTRICT.

R1 TO R7 BY GOVT.PLEADER SRI P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).NO.17881/2007

APPENDIX

PETITIONER'S EXTS:

EXT.P1 PHOTOCOPY OF THE TODDY LICENCE NO.8/2007-08 IN RESPECT OF TODDY SHOP NO.24/2007-08 ISSUED BY THE ASST. EXCISE COMMISSIONER, KOLLAM ON 1/6/2007.

EXT.P2 PHOTOCOPY OF THE PETITION DTD. 9/6/2007 SUBMITTED BEFORE THE 3RD RESPONDENT.

P.R.RAMAN & K.HEMA, JJ.

W.P.(C).NO.17881 OF 2007

Dated this the 14th day of June, 2007

JUDGMENT

Raman,J.

Petitioner obtained a licence, Ext.P1 for conducting Toddy Shop No.24 in Chathannoor Excise Range. Ext.P1 is dated 1/6/2007. It is submitted by the petitioner that the place where the shop is conducted is an unobjectionable place. Though the petitioner commenced the business on 2/6/2007, later on 9/6/2007 under the leadership of respondents 8 and 9 some persons came to the toddy shop and physically obstructed the conduct of the shop and destroyed toddy, furniture and utensils by using deadly weapons. Though Ext.P2 petition was given to the Police Authorities, no effective steps were taken so as to enable the petitioner to continue the business in terms of Ext.P1. Hence this writ petition.

3. We issued notice to respondents 2 to 9 by special messenger and it was duly served. No one has chosen to enter appearance and contest the matter.

3. The learned Government Pleader appearing on behalf of the State submits that it is a duly licenced shop.

4. In the facts and circumstances of the case, there will be a direction to respondents 2 and 3 to give necessary protection to the petitioner so as to enable him to conduct the shop in the licenced premises strictly in accordance with the terms contained in Ext.P1, unobstructed by respondents 8 and 9 or their men. In case there is any grievance for respondents 8 and 9 in the matter of conducting the shop, they can seek redressal of their grievance in accordance with law by approaching any statutory authorities. We make it clear that the statutory authorities may consider such petitions, if any, filed and dispose of the same in accordance with law.

Writ Petition is disposed of as above.

P.R.RAMAN,
Judge.

K.HEMA,
Judge.

kcv.